

1 Petitioner makes no such showing of "special circumstances" warranting federal
2 intervention. See id. Petitioner's challenge of his pretrial detention is
3 DISMISSED without prejudice to refiling a habeas petition after state criminal
4 proceedings, including appeal, are completed.

5 Petitioner's additional challenge in his habeas petition of the medical care
6 at the San Mateo County Jail is DISMISSED without prejudice to filing a civil
7 rights complaint under 42 U.S.C. § 1983. Although the Supreme Court has not
8 addressed whether a challenge to a condition of confinement may be brought
9 under habeas, see Bell v. Wolfish, 441 U.S. 520, 526 n.6 (1979), the Ninth
10 Circuit has held that habeas jurisdiction is absent, and a § 1983 action proper,
11 where, as here, a successful challenge to a prison condition will not necessarily
12 shorten the prisoner's sentence. Ramirez v. Galaza, 334 F.3d 850, 859 (9th Cir.
13 2003); see also Crawford v. Bell, 599 F.2d 890, 891-92 & n.1 (9th Cir. 1979)
14 (affirming dismissal of habeas petition on basis that challenges to terms and
15 conditions of confinement must be brought in civil rights complaint).

16 The clerk shall send petitioner a prisoner civil rights complaint form, enter
17 judgment in accordance with this order, terminate all pending motions as moot,
18 and close the file.

19 SO ORDERED.

20 DATED: March 27, 2013

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22 CHARLES R. BREYER
23 United States District Judge
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